

DOCKET FILE COPY ORIGINAL
GARDNER, CARTON & DOUGLAS

1301 K STREET, N.W.

SUITE 900, EAST TOWER

WRITER'S DIRECT DIAL NUMBER

WASHINGTON, D.C. 20005

FRANCIS E. FLETCHER, JR.
(202) 408-7111
ffletcher@gcd.com

(202) 408-7100

FAX: (202) 289-1504

INTERNET: gcdlawdc@gcd.com

CHICAGO, ILLINOIS

MEMBER
WORLD LAW GROUP
A GLOBAL NETWORK
OF INDEPENDENT
FIRMS LOCATED IN
30 COUNTRIES

May 31, 2001

RECEIVED

MAY 31 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

By Hand Delivery

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W., TW-A325
Washington, D.C. 20554

**Re: Service Rules For The 5.850-5.925 GHz Band And Revisions To Part 90 Of
The Commission's Rules (WT Docket No. 01-90)**

Dear Ms. Salas:

Transmitted herewith, on behalf of Federal Signal Corporation, are an original and four copies of its Reply Comments in response to Public Notices DA 01-686 and DA 01-1047 released March 16 and April 24, 2001, respectively, by the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau. It is noted that the deadline for filing reply comments in this matter was extended to May 31, 2001 by Order, DA 01-932, of the Deputy Chief Public Safety and Private Wireless Division released on April 13, 2001.

A copy of these comments is also submitted herewith on a 3.5 inch diskette in Word 97 format.

Should any questions arise in connection with this filing, kindly contact the undersigned.

Sincerely,



Francis E. Fletcher, Jr.

Cc: ITS
Nancy M. Zaczek, FCC, Room 4-C330

No. of Copies rec'd 074
List A B C D E

RECEIVED

MAY 31 2001

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Service Rules for the 5.850-5.925 GHz)	WT Docket No. 01-90
Band, and Revisions to Part 90 of the)	
Commission's Rules)	

To: The Chief, Wireless Telecommunications Bureau

REPLY COMMENTS OF FEDERAL SIGNAL CORPORATION

Federal Signal Corporation ("Federal Signal"), by its attorneys, hereby replies to comments filed in response to Public Notices DA 01-686 and DA 01-1047 released March 16 and April 24, 2001, respectively, by the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

Federal Signal fully supports the proposal of the Intelligent Transportation Society of America ("ITS America") that the definition of DSRC be revised to clearly state that CMRS applications are neither suitable nor intended for the DSRC frequency allocation. ITS America Comments at 3. The comments submitted on behalf of TransCore Corporation ("TransCore") similarly support limiting DSRC operations to non-commercial public safety and private radio use. TransCore Comments at 2. The limited amount of spectrum allocated to DSRC (75 megahertz) may well prove insufficient to support all of the varied public safety and private uses already being considered, much less commercial cellular-like operations. The Commission

should draft eligibility rules that would expressly ban all CMRS operations in the 5.850-5.925 GHz band.^{1/}

Federal Signal also supports ITS America's proposal for separate allocations or set asides within the band for public safety and private radio use, with public safety predominating. ITS America Comments at 5. As noted in its initial comments, Federal Signal agrees that "DSRC-based ITS services that provide safety-related information (*e.g.*, in-vehicle warnings) should be regarded as public safety services by the FCC [and that] a significant block of the DSRC spectrum should be set aside for licensing to public safety eligibles." Federal Signal Comments at 2, *citing* Status Report, Summary, p. iii. In this regard, Federal Signal urges the Commission to set aside at least 50 megahertz of the DSRC band exclusively for public safety use.

Federal Signal believes it would be prudent to limit eligibility to true public safety uses to ensure adequate DSRC spectrum is available for use in life threatening and similarly critical circumstances. However, to the extent "nontraditional" public safety uses (utilities, railroads, transit systems, state and local governments) as well as "traditional" public safety services providers (police, fire and emergency medical) are permitted, eligibility rules should give precedence to traditional public safety uses as the "highest and best" use of the limited spectrum allocated.


Finally, Federal Signal believes it is important that the Commission act expeditiously in

^{1/} It is noted in this regard that the Commission presently is considering re-allocation of significant additional spectrum for future CMRS needs from among the 1710-1755 MHz, 1755-1850 MHz, 2110-2150 MHz, 2160-2165 MHz and 2500-2690 MHz bands. *See, Notice of Proposed Rulemaking in ET Docket No. 00-258*, RM-9920; RM-9911, released on January 5, 2001 (FCC 00-455). The 5.850-5.925 GHz band is not under consideration for CMRS use in that proceeding, and there is no justification for adding that band as additional candidate spectrum to that already being formally considered.

issuing a formal notice of proposed rulemaking in this proceeding. The cooperative efforts of ITS America and other interested parties to forge a consensus to deploy Intelligent Transportation System ("ITS") applications, culminating in the ITS America Status Report filed October 6, 2000, combined with the comments submitted herein, should allow the Commission to issue proposed eligibility and licensing rules without delay.

Respectfully submitted,

FEDERAL SIGNAL CORPORATION

By: 
M. Scott Johnson
Francis E. Fletcher, Jr.
Gardner, Carton & Douglas
1301 K Street, N.W., Suite 900 East
Washington, D.C. 20005
(202) 408-7100

May 31, 2001

Its Attorneys

DC01/361083.1